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To: angela\_reynolds@longbeach.gov  
cc: StopTakingOurParks@yahoo.com  
Subject: Comment on Sports Park DEIR

02/14/2005 04:52 PM

Monday 14 February 2005

From: Joseph M. Weinstein  
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562-492-6531

To: Angela Reynolds, Environmental Officer  
Department of Planning and Building: Sports Park DEIR  
City of Long Beach  
333 West Ocean Blvd., 7th Floor  
Long Beach CA 90802

Dear Ms. Reynolds,

Accompanying are my comments (eight points) on the Sports Park DEIR, i.e. the 2004 Recirculated Draft Environmental Impact Report (SCH no. 1999091108) for the proposed Long Beach Sports Park. Thank you for enabling me to submit this electronic version of commentary. Queries and other messages to me may be sent via the above street address, e-mail address or telephone.

Sincerely,

Joseph M. (Joe) Weinstein

J. Weinstein                      14 Feb. 2005              COMMENTS ON              SPORTS PARK DEIR

In each case, except when pressed for time, I have tried to give at least one DEIR reference citation. Some citations are to the main text, some to the Executive Summary (ExecSum). The intent is to address the issue raised and if possible give at least one citation for it, but often the same issue is discussed in several places, and not all possible citations are given.

#### 1. ADEQUACY OF DEIR CIRCULATION.

Circulation of the DEIR via internet was not only welcome but necessary, given several factors: the scope of the project and its intended city-wide impact, the importance and size of the affected parcel (on which more in other comments), and therefore the extent of the potentially affected public.

Unfortunately, repeated consistent attempts to download and at least view certain portions of the DEIR, even with use of excellent high-speed high-capacity technology, resulted in repeated persistent unavailability of these portions.

Chapter 3, Project Description, albeit claimed to be short (32K), was repeatedly unavailable. I made many view and download attempts at different times. All resulted in endless waiting and no view or download.

Chapter 4, Section 4.1 - Land Use, comprised two files, one for text only and one for figures only. The text-only table of contents promised eight subsections, 4.1.1-4.1.8, to be found on pages 1 through 48 or more. I made many view and download attempts at different times. All resulted in view

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and download only of pages 1 through 21. The accessed material contained only two of the promised eight subsection headers (for 4.1.1 Introduction and 4.1.2 Existing Environmental Setting), apparently no material at all for subsections 4.1.3-4.1.8, and possibly incomplete material for 4.1.2.

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## 2. UNSUBSTANTIATED CLAIMS.

Some claims in the DEIR may be based on the material in the de-facto internet-missing portions. These claims have de facto not been substantiated for the public, and will have to be substantiated in a re-posted DEIR or at any rate the final EIR.

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The missing material may in fact address some concerns raised by these comments but - given my limited time and the limited period for public comment - I have no sufficiently convenient way of learning this.

## 3. INFORMATION ABOUT THE SITE.

Key information about the site is either not given or is given insufficient or no prominence.

After the Douglas Park site, and some parks and golf courses, the project site is apparently Long Beach's largest single parcel of unbuilt open space which is not on the rivers or shore. It has unique features. In particular, even in its present state as brownfields, it offers unique recreational values and educational values, especially for young people ready to learn through their own explorations, thanks to its diverse and vertical terrain (unusual for the city and environs) and its unprogrammed open space.

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Although the DEIR gives various plans and figures and maps and photos, none show what the site actually looks like at ground level, let alone the rare or unique features that such view would display - or the kind of topography and its recreational value which the proposed regrading would destroy. In particular, none of them show the site's altitudes and topographic variety - unusual in the Long Beach environs (and to some of us very welcome relief in a very flat environment, not to mention possible refuge from floods or tsunamis).

The project is introduced as somehow remediating a 'brownfield', but there is no prominent summary description of what that brownfield amounts to, and what is known about its wastes and potential hazards - not merely from petroleum operations but from stuff dumped on part of the property when used as a dumping ground.

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The prior DEIR process is cryptically said to have resulted in no certification of an EIR, but no reasons are given, and no summary of lessons learned from that process.

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The 'Project Area History' (4.6-6) omits additional facts, important maybe not for the project as conceived, but for some alternatives that are advocated for the site. In particular: the presence of native willows, of which remnants survive, and the nearby Willowville community; and the clear derivation of the names of two prominent streets, Spring and Willow, from precisely the features on the project area site - which various people call the Willow Spring Heritage Site, or the like.

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The discussion could note, not as fact but as reasonable hypothesis, that in addition to already known nearby native sites there is strong likelihood

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that others exist right on the project parcel, owing to the unusual conjunction of a water source (the spring) and suitable building materials (the willows). Native habitations, and consequent burials, may have aided local immigrant perceptions of Sunnyside as a suitable cemetery site.

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#### 4. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS. MITIGATIONS.

In 8.2 Biological Resources (also ExecSum 4.5) The statements focus on impacts to a single species, loggerhead shrike. This impact may be the most extreme, but the overall significant impact is far broader.

Within Long Beach and environs, the parcel is one of the largest and most topographically varied block of open space altogether. Thanks to its size, its position, and locally rather rare topographical diversity, it makes an important contribution to biodiversity in the entire region. This biodiversity concerns not just one currently terribly impacted species but many species - including plants, land animals, insects and notably birds - which now are or in the near future face like threats - and primarily on account of continuing loss within built-up areas of precisely this kind of relatively rare relatively large relatively unbuilt and unmaintained habitat.

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The parcel apparently does qualify as a 'brownfield', but - if, as in recent past years, left undisturbed and ungraded - it is proving to be a vital habitat. It is slowly rehabilitating itself for many purposes by ongoing unprogrammed natural processes.

The proposed wetland mitigation does not really mitigate for the sort of small relatively isolated kind of more upland streambed wetland that is involved here. Wetlands are of different kinds. It's tempting to pronounce a problem 'mitigated' by using the common label 'wetland', and by implying that one relatively rare kind of acreage is amply made up for by a different and more relatively abundant sort of acreage.

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It is claimed that no mitigation is required for certain of the actions which would reduce potential (if not actual) native plant-community habitat.

The reason (ExecSum I-18) given is bizarre: the city or state has no formal plan for conserving such habitat in this parcel, therefore formally no problem exists and therefore no mitigation is required.

This logic, found elsewhere in the DEIR, is unacceptable. The actual environmental problems to be dealt with pertain to on-the-ground reality, not merely to meeting an incomplete and inadequate set of specific prior plans. On the contrary, as an EIR might do well to note, the presence of these problems argues for creating and updating such plans: the planning process needs mitigation and upgrading too.

11

#### 5. AESTHETICS.

The DEIR fails to note the degraded views and aesthetics FROM the project site. According to its debatable logic, a regraded site, from which we lose existing sweeping views of the harbor and the mountains, is an aesthetic advance because a few old constructions on the site will no longer be there.

This is a very limited and one-sided evaluation.

12

#### 6. AIR QUALITY. PUBLIC EXPOSURE TO HAZARDS.

The discussion in 8.3 makes a clear separation between short-term construction impacts and long-term impacts. This practice sets a good example - for elsewhere in this DEIR as well as in many other environmental documents - for aiding readers to more readily grasp relative importance of various environmental impacts.

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The main impacts attributed to construction seem to be those inherent in use

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anywhere of the construction equipment itself. There is no evident concern for disturbance, by the regrading, of the chemical wastes in the brownfield.

What do we know about these wastes to give us assurance that we may disregard such concern?

Methane monitoring etc. is deferred until AFTER rough grading. This would seem to invite the worst of two worlds. The existing terrain could be needlessly and harmfully disturbed, and only afterward might we learn that we have a real problem. Anyhow, why is methane monitoring confidently volunteered as the only tactic that will then inevitably be needed?

The project is touted as a 'solution' to the future of a brownfield, but I could not find systematic discussion of what is known about this brownfield as a 'brownfield' - or even the definition of the term. As I understand it - but not from anything said in this DEIR - the issue is not just of on-site spillage from petroleum extraction and problems from wells, but also from past use of parts of the site for general and non-discriminate dumping operations, not necessarily only petroleum related, that would be quite illegal today.

#### 7. RECREATIONAL AND PARKLAND IMPACTS.

The project would actually destroy one kind of locally rare existing and potential recreational benefit - one of special benefit to exploring adventuresome youth (and others) - in order to create another and less rare and more programmed kind.

A privately operated pay-for-play operation, and associated paved parking lots, would in fact reduce the city's public open space, and the city's unpaved open space. The alleged benefits of increased public parkland and open space could be obtained far more directly by simply keeping the site as is, and allowing volunteers to gradually introduce a trail system and introduce more native plants.

The DEIR's concept of 'recreation', according to which a sports park - no matter what is destroyed in order to create it - automatically enhances recreational opportunities, needs to be broadened. 'Recreation' does not equate to a specific set of competitive group games played in a specific manner, on a specific sort of terrain or playing field.

#### 8. ALTERNATIVES.

I cannot begin in limited time to describe all the ways in which the DEIR plays fast and loose with facts, fancies and objectives in trying to dismiss alternatives to the project - particularly one or another of the cultural/nature park projects - e.g. a Heritage park, which builds on both the culture and topography of the site, as upgraded slowly over time, through natural processes and volunteer efforts.

This kind of alternative is dismissed as somehow lacking needed funding - albeit the proposed project or other alternatives involving regrading are likely so expensive (this guess may be wrong, but unfortunately the DEIR, by providing no cost estimates, forces us to guess) that this lack of funding may be irrelevant.

Even given existing and lots of extra funding, regrading-based projects (and their costs not only of regrading but possibly of dealing with the exposed brownfields chemicals and dumped stuffs) will likely cost the city far more than the 'unfunded' Heritage park. A Heritage park would attract volunteer maintenance, much as (and likely much more than) does the current Long Beach Greenbelt project. It would permit and aid the gradual natural remediation processes which have already been at work on the site. Some versions of the Heritage park proposals would incorporate environmentally friendly revenue projects, e.g. a compost operation based on city-wide green-wastes.

A Heritage park alternative could retain the main contribution which the site potentially can make to the city. By comparison, no careful case is made that the proposed sports park could not be built elsewhere, and maybe its benefits could be spread more broadly, by siting different components at different places.	22
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A careful discussion of 'alternatives' requires not only that alternatives be investigated for the proposed PROJECT aims, but also that the best use of the SITE be considered in respect of all aims - not merely those originally considered long ago for a sports park.	23
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In this case we must really be careful. At issue is the permanent alteration, precluding many potential possibilities, of a premier Long Beach Heritage site.	24
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## JOSEPH WEINSTEIN

### **P-11-1**

This comment is introductory and does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

### **P-11-2**

This comment asserts that the Draft EIR was difficult to download on the internet and questions the adequacy of Draft EIR circulation. The official review period for the Draft EIR began on December 15, 2004, and ended on February 14, 2005. The City requested a 60-day public review period to allow agencies, stakeholders, and residents of Long Beach adequate time to review the environmental analysis in the Draft EIR. Pursuant to State CEQA Guidelines, the Notice of Availability for the Draft EIR stated that in addition to online publication, the Draft EIR would be available for public review at the City Community Development Department, the Long Beach Main Library, the Dana Neighborhood Library, and the Burnett Neighborhood Library. The City provided proper public notice of the availability of the Draft EIR and the locations at which the Draft EIR could be reviewed pursuant to CEQA Guidelines Section 15087.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

### **P-11-3**

Please refer to Response to Comment P-11-2.

### **P-11-4**

This comment asserts that the Draft EIR does not provide pictures that illustrate what the site looks like at ground level. Section 4.12 in the Draft EIR provides a discussion of the existing visual and aesthetic resources on site and in the surrounding area. Figures 4.12.3 and 4.12.4 show the project site in its existing condition from six vantage points and illustrate the site's rolling topography.

### **P-11-5**

The project site is an EPA-designated brownfield site, and development will require the reduction of risks to human health to below applicable agency thresholds. The EPA defines brownfields as "real property, the expansion, redevelopment or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant." Section 4.13 of the Draft EIR, Public Health and Safety, provides an evaluation of potential impacts to public health and safety as a result of the Proposed Project. This section includes an in-depth description of site soil, soil gas, and groundwater investigations and health risk evaluations performed on site.

The current and historic uses of the property were identified above and in Section 4.3 of the Draft EIR, Geology and Soils, Section 4.6, Cultural and Paleontological Resources, and Section 4.13, Public Health and Safety. The Proposed Project site is not a dumping ground and has never been a dumping ground.

**P-11-6**

This comment states that the Draft EIR does not provide the reason that DEIR 2000 was not certified. Chapter 2.0, Introduction, provides information about the DEIR 2000 planning and environmental review process. As the document states, the City concluded that DEIR 2000 could not be relied upon for CEQA environmental review purposes and was abandoned. Chapter 2.0, Introduction, also provides a table summarizing the differences between the projects analyzed in the DEIR 2000 and the recirculated Draft EIR.

**P-11-7**

This comment suggests that the project area history in Section 4.6 of the Draft EIR, Cultural Resources, is lacking.

The commentor's contention that the project site was once occupied by the community of Willowville cannot be substantiated by existing records. Section 4.5 of the Draft EIR, Biological Resources, documents plant species found on site, including 14 willow trees (*Salix gooddingii*). The willow trees on site are not an endangered or threatened species, but instead are quite common in wet areas of Southern California.

**P-11-8**

This comment states that the Draft EIR should have stated that there is a strong likelihood that Native American sites exist on site. This assertion is not supported by any physical evidence on site. As noted in the Draft EIR, while this may or may not be the case, there is no physical evidence on the site to indicate past use by Native Americans. However, mitigation is included that requires archaeological monitoring during grading activity to identify, preserve, and curate any cultural remains, if found. Specifically, Mitigation Measures 4.6.5 through 4.6.6 ensure that the City's commitment to protect unknown cultural resources is carried out for the Proposed Project. Therefore, no change to the Draft EIR is warranted.

**P-11-9**

The commentor is not correct in characterizing the site as containing multiple rare or endangered species. The existing plants and animals are common to the area (the exception is the loggerhead shrike, discussed elsewhere in this response to comments document). The commentor finds aesthetic and natural value in the existing topography of the site. This opinion will be made available to the decision-makers for their consideration.

**P-11-10**

The proposed wetlands mitigation is appropriate for the project impacts and consistent with regulatory agency requirements. Please see Response to Comment O-4-3.

**P-11-11**

This comment argues that the Draft EIR should have found greater impacts to native plant community habitat regardless of whether or not a plan currently exists that calls for its preservation. It is unclear what native plant community the comment is referencing. The results of the biological surveys of the project site are included in the Draft EIR. As stated in Section 4.5 of the Draft EIR, the project site is characterized by areas of vegetation associated with past human activities on site. Most of the native habitat elements that may have once occurred have been replaced by nonnative species and common local weeds that are well-adapted to disturbed soil conditions. Most of the vegetated area on site is

appropriately characterized as ruderal or annual grassland, with occasional patches of mulefat scrub and ornamental vegetation such as clusters of ornamental trees that were introduced for landscaping purposes. There are a few areas near the existing concrete detention basin that are dominated by cattail marsh. The loss of disturbed (mostly nonnative) habitat is not considered a significant impact because it will not substantially affect listed or candidate species, riparian habitat, other sensitive natural communities, federally protected wetlands, or wildlife movement. Project impacts to wetlands are mitigated with implementation of Mitigation Measures 4.5.3, 4.5.4, and 4.5.5.

**P-11-12**

This comment asserts that the Draft EIR does not acknowledge views from the project site. Section 4.12 in the Draft EIR provides a discussion of the existing visual and aesthetic resources on site and in the surrounding area. Figures 4.12.2 provides views of surrounding areas, while Figure 4.12.3 and 4.12.4 show the project site in its existing condition from six vantage points, including views of surrounding areas from the project site. The Draft EIR does acknowledge that grading will alter the elevation of Exxon Hill (the high point on the project site); however, views of surrounding areas will continue to be available from vantage points on site.

**P-11-13**

This comment praises the distinction made in the Air Quality Analysis between short-term construction impacts and long-term impacts. Comment noted. This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

**P-11-14**

This comment questions where the Draft EIR addresses concerns related to chemicals that may be exposed during grading activities. Section 4.13 of the Draft EIR, Public Health and Safety, addresses chemicals that may be exposed during grading activities and contains mitigation to reduce associated impacts to a less than significant level.

**P-11-15**

Explosive gases such as methane typically require a confined or semiconfined environment in which to accumulate to the extent that explosivity is a possibility. The proposed Sports Park will allow for the dissipation of on-site gases that are a byproduct of the operating oil wells.

Section 4.13 of the Draft EIR states that a methane assessment will be conducted after 30 days have elapsed after rough grading is completed. See Mitigation Measure 4.13.6. The intent of the methane assessment is to adequately identify gas conditions across the site at proposed hardscape and building footprint areas in order to determine whether there is a risk of methane accumulation. Should concentrations exceed LADBS thresholds, additional measures will be implemented.

**P-11-16**

Please refer to Response to Comment P-11-5.

**P-11-17**

This comment characterizes the project site as a rare existing and potential recreation benefit to adventuresome youth. Opinions expressed regarding the project and the project site will be made available to decision-makers as part of their determination regarding the Proposed Project. The



comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

**P-11-18**

This comment asserts that the Proposed Project would reduce the City's public open space and unpaved space. While the Proposed Project will increase paving on site for public parking areas and walkways, it will not reduce the City's public open space. The proposed project will increase the area dedicated to recreation uses in the City by over 50 acres. The Proposed Project site is not currently legally accessible to members of the public. This opinion will be made available for consideration by the decision-makers as part of their determination regarding the Proposed Project. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

**P-11-19**

This comment argues for a broader definition of the word "recreation." This opinion will be made available for consideration by the decision-makers as part of their determination regarding the Proposed Project. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

**P-11-20**

This comment charges that the Draft EIR "plays fast and loose with facts" regarding the project alternatives. Specific examples of facts in question are not provided, and for that reason additional citations or evidence cannot be provided. No further response is necessary because there are no facts or analysis provided in the comment.

This comment also asserts that the lack of funding for the Heritage Park alternative should be irrelevant given the cost of the Proposed Project. Costs related to implementation and operation of the Proposed Project are not germane to the subject environmental analysis. Effects analyzed under CEQA must be related to a physical change in the environment pursuant to Section 15358(b) of the State CEQA Guidelines. Section 15131(a) of the State CEQA Guidelines further specifies that economic and social effects of a project shall not be treated as significant effects on the environment. The discussion of funding provided in Chapter 5.0, Alternatives, is linked to physical improvements (e.g., traffic and infrastructure improvements) that would be required as part of any Proposed Project on the site. As stated in the Draft EIR, a cultural/nature park alternative would not meet specific project objectives related to economic development because it is unlikely that it could support ongoing maintenance costs and initial infrastructure improvement costs.

**P-11-21**

This comment states that volunteer maintenance and environmentally friendly revenue projects could offset the cost of the suggested "Heritage Park" and would cost the City less than the Proposed Project. The Draft EIR acknowledges that a cultural/nature park would rely largely on volunteer staffing and funding; however, as stated above, a "Heritage Park" alternative would not meet specific project objectives related to economic development because it is unlikely that it could support ongoing maintenance costs, initial infrastructure improvement costs, and the project's key recreation objectives to meet the demand for recreation resources in the City.

**P-11-22**

This comment suggests that the Sports Park could be built somewhere else in the City so that the project site could be retained as a Heritage Park. The Draft EIR evaluated alternative locations for the Proposed Project. Please refer to Chapter 5.0 of the Draft EIR.

**P-11-23**

This comment states that alternatives that consider both project objectives and best use of the site should be considered. Section 15126.6 of the State CEQA Guidelines states that “An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project . . . The range of potential alternatives to the Proposed Project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially less one more of the significant effects.” Alternatives to the Proposed Project were presented in Chapter 5.0 of the Draft EIR. The alternatives selected are consistent with the State CEQA Guidelines’ instructions for selection and evaluation of project alternatives.

**P-11-24**

This comment urges careful consideration of the Proposed Project. This opinion will be made available for consideration by the decision-makers as part of their determination regarding the Proposed Project. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.